

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI**

In re: Patricia L. Smith

Case no. 13-01920-ee  
Chapter 13

Debtor

Trustmark National Bank and  
Chapter 7 Trustee, Derek A. Henderson

Plaintiffs

vs.

AP no. 16-00050-ee

Patricia L. Smith, Rodney A. Woodruff,  
Bridgett D. HughesAnderson, Advanced  
Modular Homes and Developments, LLC,  
and Stone Source A Granite and Marble  
Company, Inc.

Defendants

**ANSWER TO COMPLAINT**

COMES NOW Defendant, Rodney A. Woodruff, (hereinafter sometimes referred to as Defendant or Woodruff), by and through his attorneys of record, the law firm of Hood & Bolen, PLLC, and files this his answer to the complaint [Dkt. #1] filed herein by Plaintiffs, Trustmark National Bank and Chapter 7 Trustee, Derek A. Henderson, (hereinafter collectively referred to as Plaintiffs and sometimes individually referred to as Trustmark or Henderson), in the above styled and numbered case, and by way of such answer will show unto the Court as follows, to-wit:

**I. FIRST DEFENSE**

Plaintiffs have failed to state a cause of action upon which relief can be granted and the complaint should be dismissed with prejudice.

## **II. SECOND DEFENSE**

Rodney A. Woodruff is not a party to any contractual relationship with Trustmark and no privity of contract exists between these parties.

## **III. THIRD DEFENSE**

Any potential cause of action that Plaintiffs may have against Rodney A. Woodruff is barred by the statute of limitations.

## **IV. ANSWER TO COMPLAINT**

1.

Defendant admits the allegations contained in paragraph numbered 1 of the complaint.

2.

Defendant admits the allegations contained in paragraph numbered 2 of the complaint.

3.

Defendant admits the allegations contained in paragraph numbered 3 of the complaint.

4.

Defendant admits the allegations contained in paragraph numbered 4 of the complaint.

5.

Defendant admits the allegations contained in paragraph numbered 5 of the complaint.

6.

Defendant neither admits nor denies the allegations contained in paragraph numbered 6 of the complaint and demands strict proof thereof.

7.

Defendant neither admits nor denies the allegations contained in paragraph numbered 7 of the complaint and demands strict proof thereof.

8.

Defendant admits the allegations contained in paragraph numbered 8 of the complaint.

9.

Defendant admits the allegations contained in paragraph numbered 9 of the complaint.

10.

Defendant admits the allegations contained in paragraph numbered 10 of the complaint.

11.

Defendant neither admits nor denies the allegations contained in paragraph numbered 11 of the complaint and demands strict proof thereof.

12.

Defendant neither admits nor denies the allegations contained in paragraph numbered 12 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the documents and dates contained in the referenced bankruptcy case speak for themselves.

13.

Defendant neither admits nor denies the allegations contained in paragraph numbered 13 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced agreed order speaks for itself.

14.

Defendant neither admits nor denies the allegations contained in paragraph numbered 14 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the documents and dates contained in the referenced bankruptcy case speak for themselves.

15.

Defendant neither admits nor denies the allegations contained in paragraph numbered 15

of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced schedule speaks for itself.

16.

Defendant neither admits nor denies the allegations contained in paragraph numbered 16 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced schedule speaks for itself.

17.

Defendant neither admits nor denies the allegations contained in paragraph numbered 17 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced schedule speaks for itself.

18.

Defendant neither admits nor denies the allegations contained in paragraph numbered 18 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced schedule speaks for itself.

19.

Defendant neither admits nor denies the allegations contained in paragraph numbered 19 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the documents and testimony referenced in paragraph 19 speak for themselves.

20.

Defendant neither admits nor denies the allegations contained in paragraph numbered 20 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the deeds of trust speak for themselves.

21.

Defendant neither admits nor denies the allegations contained in paragraph numbered 21 of the complaint and demands strict proof thereof.

22.

Defendant neither admits nor denies the allegations contained in paragraph numbered 22 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the deeds of trust speak for themselves.

23.

Defendant neither admits nor denies the allegations contained in paragraph numbered 23 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the deeds of trust speak for themselves.

24.

Defendant admits that he is owed substantial sums of money, but neither admits nor denies the remaining allegations contained in paragraph numbered 24 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the deeds of trust speak for themselves.

25.

Defendant neither admits nor denies the allegations contained in paragraph numbered 25 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the memorandum opinion and referenced testimony speak for themselves.

26.

Defendant denies the allegations contained in paragraph numbered 26 of the complaint and demands strict proof thereof.

27.

Defendant denies the allegations contained in paragraph numbered 27 of the complaint and demands strict proof thereof.

28.

Defendant denies the allegations contained in paragraph numbered 28 of the complaint and demands strict proof thereof.

29.

Defendant denies the allegations contained in paragraph numbered 29 of the complaint and demands strict proof thereof.

30.

Defendant denies the allegations contained in paragraph numbered 30 of the complaint and demands strict proof thereof.

31.

Defendant denies the allegations contained in paragraph numbered 31 of the complaint and demands strict proof thereof.

32.

Defendant neither admits nor denies the allegations contained in paragraph numbered 32 of the complaint and demands strict proof thereof.

33.

Defendant neither admits nor denies the allegations contained in paragraph numbered 33 of the complaint and demands strict proof thereof.

34.

Defendant neither admits nor denies the allegations contained in paragraph numbered 34 of the complaint and demands strict proof thereof.

35.

Defendant neither admits nor denies the allegations contained in paragraph numbered 35 of the complaint and demands strict proof thereof.

36.

Defendant neither admits nor denies the allegations contained in paragraph numbered 36 of the complaint and demands strict proof thereof.

37.

Defendant neither admits nor denies the allegations contained in paragraph numbered 37 of the complaint and demands strict proof thereof.

38.

Defendant neither admits nor denies the allegations contained in paragraph numbered 38 of the complaint and demands strict proof thereof.

39.

Defendant neither admits nor denies the allegations contained in paragraph numbered 39 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the complaint speaks for itself.

40.

Defendant neither admits nor denies the allegations contained in paragraph numbered 40 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced judgment speaks for itself.

41.

Defendant neither admits nor denies the allegations contained in paragraph numbered 41 of the complaint and demands strict proof thereof.

42.

Defendant neither admits nor denies the allegations contained in paragraph numbered 42 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced opinion speaks for itself.

43.

Defendant neither admits nor denies the allegations contained in paragraph numbered 43 of the complaint and demands strict proof thereof.

44.

Defendant neither admits nor denies the allegations contained in paragraph numbered 44 of the complaint and demands strict proof thereof.

45.

Defendant neither admits nor denies the allegations contained in paragraph numbered 45 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the testimony in the trial transcript speaks for itself.

46.

Defendant neither admits nor denies the allegations contained in paragraph numbered 46 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the testimony in the trial transcript speaks for itself.



47.

Defendant neither admits nor denies the allegations contained in paragraph numbered 47 of the complaint and demands strict proof thereof.

48.

Defendant neither admits nor denies the allegations contained in paragraph numbered 48 of the complaint and demands strict proof thereof.

49.

Defendant neither admits nor denies the allegations contained in paragraph numbered 49 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced testimony speaks for itself.

50.

Defendant neither admits nor denies the allegations contained in paragraph numbered 50 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced Court opinion speaks for itself.

51.

Defendant neither admits nor denies the allegations contained in paragraph numbered 51 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the referenced Court opinion speaks for itself.

52.

Defendant denies the allegations contained in paragraph numbered 52 of the complaint and demands strict proof thereof.

53.

Defendant denies the allegations contained in paragraph numbered 53 of the complaint

and demands strict proof thereof. Defendant states in the affirmative that the opinion speaks for itself.

54.

Defendant denies the allegations contained in paragraph numbered 54 of the complaint and demands strict proof thereof.

55.

Defendant denies the allegations contained in paragraph numbered 55 of the complaint and demands strict proof thereof.

56.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

57.

Defendant admits that a deed of trust on the Fable Drive property was executed to him prepetition, but neither admits nor denies the remaining allegations contained in paragraph numbered 56 of the complaint and demands strict proof thereof. Defendant states in the affirmative that the deed of trust speaks for itself.

58.

Defendant neither admits nor denies the allegations contained in paragraph numbered 58 of the complaint and demands strict proof thereof.

59.

Defendant denies the allegations contained in paragraph numbered 59 of the complaint and demands strict proof thereof.

60.

Defendant denies the allegations contained in paragraph numbered 60 of the complaint and demands strict proof thereof.

61.

Defendant denies the allegations contained in paragraph numbered 61 of the complaint and demands strict proof thereof.

62.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

63.

Defendant denies the allegations contained in paragraph numbered 63 of the complaint and demands strict proof thereof.

64.

Defendant denies the allegations contained in paragraph numbered 64 of the complaint and demands strict proof thereof.

65.

Defendant denies the allegations contained in paragraph numbered 65 of the complaint and demands strict proof thereof.

66.

Defendant denies the allegations contained in paragraph numbered 66 of the complaint and demands strict proof thereof.

67.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

68.

Defendant denies the allegations contained in paragraph numbered 68 of the complaint and demands strict proof thereof.

69.

Defendant denies the allegations contained in paragraph numbered 69 of the complaint and demands strict proof thereof.

70.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

71.

Defendant denies the allegations contained in paragraph numbered 71 of the complaint and demands strict proof thereof.

72.

Defendant denies the allegations contained in paragraph numbered 72 of the complaint and demands strict proof thereof.

73.

Defendant denies the allegations contained in paragraph numbered 73 of the complaint and demands strict proof thereof.

74.

Defendant denies the allegations contained in paragraph numbered 74 of the complaint and demands strict proof thereof.

75.

Defendant denies the allegations contained in paragraph numbered 75 of the complaint and demands strict proof thereof.

76.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

77.

Defendant denies the allegations contained in paragraph numbered 77 of the complaint and demands strict proof thereof.

78.

Defendant denies the allegations contained in paragraph numbered 78 of the complaint and demands strict proof thereof.

79.

Defendant denies the allegations contained in paragraph numbered 79 of the complaint and demands strict proof thereof.

80.

Defendant denies the allegations contained in paragraph numbered 80 of the complaint and demands strict proof thereof.

81.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

82.

Defendant denies the allegations contained in paragraph numbered 82 of the complaint and demands strict proof thereof.

83.

Defendant denies the allegations contained in paragraph numbered 83 of the complaint and demands strict proof thereof.

84.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

85.

Defendant denies the allegations contained in paragraph numbered 85 of the complaint and demands strict proof thereof.

86.

Defendant denies the allegations contained in paragraph numbered 86 of the complaint and demands strict proof thereof.

87.

Defendant denies the allegations contained in paragraph numbered 87 of the complaint and demands strict proof thereof.

88.

Defendant denies the allegations contained in paragraph numbered 88 of the complaint and demands strict proof thereof.

89.

Defendant denies the allegations contained in paragraph numbered 89 of the complaint and demands strict proof thereof.

90.

Defendant denies the allegations contained in paragraph numbered 90 of the complaint and demands strict proof thereof.

91.

Defendant denies the allegations contained in paragraph numbered 91 of the complaint and demands strict proof thereof.

92.

Defendant denies the allegations contained in paragraph numbered 92 of the complaint and demands strict proof thereof.

93.

Defendant denies the allegations contained in paragraph numbered 93 of the complaint and demands strict proof thereof.

94.

Defendant incorporates his answers to the above and foregoing paragraphs the same as if fully set forth herein.

95.

Defendant denies the allegations contained in paragraph numbered 95 of the complaint and demands strict proof thereof.

96.

Defendant denies all allegations contained in and relief requested under the paragraph styled “WHEREFORE” and demands strict proof thereof. Defendant states in the affirmative that Plaintiffs are not entitled to any relief against him.

97.

All allegations not specifically admitted herein by Defendant, Rodney A. Woodruff, are hereby generally denied.

WHEREFORE, PREMISES CONSIDERED, Rodney A. Woodruff prays that this Honorable Court will deny all relief requested by Plaintiffs and if he has not prayed for the relief to which he is entitled, then he prays for such further, general and different relief as the Court may deem appropriate in the premises, as in duty bound he will ever pray.

Respectfully Submitted,

HOOD & BOLEN, PLLC

By: /s/ R. Michael Bolen  
R. MICHAEL BOLEN  
MSB # 3615

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**CERTIFICATE OF SERVICE**

I, R. Michael Bolen, do hereby certify that I have this day served by electronic mail, electronic filing transmission, hand delivered or mailed by first class mail, postage prepaid, a true and correct copy of the foregoing answer to the parties listed below on this the 17<sup>th</sup> day of October, 2016.

/s/ R. Michael Bolen

R. Michael Bolen

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